



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,914	06/29/2000	Chingwei Peter Cheng	ORCL5638	2945
22430	7590	10/27/2004	EXAMINER	
YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			SHAFFER, ERIC T	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### **DETAILED ACTION**

1. The following communication is in response to the amendments filed July 26, 2004.

#### ***Summary Of Instant Office Action***

2. Applicant's arguments, filed November 4, 2003, concerning claims 1 – 42 in the Office Action mailed June 27, 2003, have been considered and deemed persuasive. The rejections under 35 U.S.C. 101 have been removed due to the incorporation of computer technology into the invention. The rejections under 35 U.S.C. 103(a) have been overcome due to the incorporation of the Life Cycle Factor formula. However, now an action under U.S.C. 105 is presented in order to ascertain the origin of the Life Cycle Factor formula and to determine how the formula was derived.
3. Claims 14, 28, and 42 have been cancelled and the applicant has not added any new claims. Claims 1 – 13, 15 – 27 and 29 - 41 are pending and are prosecuted in the response set out below.

#### **37 CFR § 1.105 - Requirement for Information**

4. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to complete the background description in the disclosure by providing a source documenting how and where the specific life cycle factor formula was derived specific to whether this formula was created by the applicant through his own research or is this formula an old and well known formula within the art of customer categorization.

Art Unit: 3623

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months.

In response to this requirement, please state the origin of the life cycle factor calculation formula. It should be made clear whether this formula is derived from the inventor's personal research or if the formula was taken from a known reference within the customer categorization arts.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

This Office action has an attached requirement for information under 37 C.F.R. § 1.105. A complete response to this Office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

***Response to Amendments***

5. Applicant's arguments filed November 4, 2003 have been fully considered and are considered moot in view of the newly incorporated art references.

Art Unit: 3623

***Conclusion***

6. No claims were allowed and all claims were rejected.
7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington D.C. 20231

Or faxed to:

(703) 746-7238	[After Final communications, labeled "Box AF"]
(703) 746-7239	[Official communications]
(703) 706-9124	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 7<sup>th</sup> floor receptionist.

ETS

October 18, 2004

  
TARIQ HAFIZ  
SUPERVISOR  
TECHNOLOGY CENTER